

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Telecommunications Relay
Services, and Speech-to-Speech
Services for Individuals with
Hearing and Speech Disabilities

CC Docket No. 03-123

Request for Expedited Clarification for the Provision and Cost Recovery of Internet Protocol
Speech to Speech Relay Service

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Hawk Relay, LLC requests an expedited clarification from the Federal Communications Commission (the Commission) rules on Telecommunications Relay Services (TRS) with respect to the provision and reimbursement of Internet Protocol Speech to Speech Relay Service (IP STS) as well as an expedited ruling on the applicable minimum requirements.

Title IV of the Americans with Disabilities Act (ADA) mandates the provision of relay services are to be functionally equivalent to traditional voice communication telephone services. In doing so, Congress had the foresight to recognize that new and emergent technologies have the potential of providing greater functionally equivalent telecommunication services and that such services should be recognized as provisions of relay services, allowing for compensation.

One such technology, the Internet, emerged after the passage of the Telecommunications Act of 1996. The Internet offers consumers considerable advantages such as cost-effectiveness and flexibility allowing for greater functional equivalency. Taking advantage of this, various provisions of recognized relay services have utilized this technology including IP Relay and IP Captel. As explained in detail below, IP STS is yet another relay service provision that takes advantage of this delivery platform.

Hawk Relay's commitment to provide greater functionally equivalent telecommunication access to deaf and hard of hearing consumers, although short in length, is very strong in spirit. In effort to meet the needs of still under-served relay users, individuals with speech disabilities, Hawk Relay is proposing a new relay offering that is the subject of this petition.

With this petition, Hawk Relay requests that the Commission expeditiously recognize IP-STS as an optional relay service within the definition of TRS in Title IV of the ADA and as

a service eligible for reimbursement from the interstate TRS fund managed by the National Exchange Carrier Association (TRS Fund Administrator). Finally, Hawk Relay also request clarifications on the question of what minimum standards do apply and are waived.

How Does Internet Protocol Speech to Speech Relay Service Work?

The provision of IP-STS allows individuals with speech disabilities an additional option of access to the telephone system. The Internet allows for different utilizations with no need for equipment more specialized than a personal computer or a personal digital assistant. Now, the service is no different than traditional STS except for the fact that the user connects to a relay provider through the Internet. With a softphone application software installed on a individual's computer or ACC device, the relay user can simply install then launch the program. The call initializes when the user clicks a button, upon when the application will automatically dials the IP STS relay service. The relay user is connected to an operator over the Internet. The user will communicate with the operator by using a microphone and speakers. Upon receipt of the number to be dialed and any specific instructions the user may have, the operator will then connect the IP STS user with the desired party. Both ends of an IP STS call can be made either over the Internet exclusively or by using a combination of the Internet and PSTN.

Each softphone application installed will have its own number allowing the IP-STS CAs to dial the user with speech disabilities when a voice call comes in. When the particular's softphone application number is dialed, the computer or ACC device will emit a ring tone. A connection with the CA is established when the IP STS user clicks on the softphone application's icon.

Utilizing the Internet, IP STS will offer a number of benefits including portability, cost-effectiveness, improved accessibility, and competition which will promote innovation among relay providers. Furthermore, the one-click function bypasses the difficulties in dialing the

phone for STS users with limited dexterity.

Benefits of IP Speech to Speech Relay Service

There are benefits and advantages for using IP STS and they are described below:

Portability: At this time, the individuals with speech disabilities can only make relay calls from end user devices specifically designed to handle their calls. As a result, STS users are tied to where the device is located. In light of this, IP STS allows STS users to make phone calls anywhere from any Internet-enabled computer or a portable wireless device. This will allow STS users to communicate more effectively with mobility. This will be beneficial in a variety of settings, including work, at home, and at various public accommodations such as hotels and conference centers.

Cost-Effectiveness: For the STS user, the specialized equipment requiring one to make a relay call and its associated prohibitive cost has hindered access to the telephone network. This has forced the STS user to purchase their own specialized equipment or take advantage of ineffective and limited state distribution programs which may or may not have the user device needed to make such calls due to the fact that STS users represents a very small portion of the relay user population. With the installation of a simple softphone application provided at no cost, the STS user will no longer need to take into consideration the prohibitive cost of using the relay service. Also, with the world at large increasingly transferring the bulk of their communications onto the Internet using either digital communications or IP networks due to the fact that the delivery platforms allow for the use of advancing and innovative technologies, STS users can now be able to take advantage of this technology.

Improved Accessibility: Due to the fact that IP STS will allow individuals with speech disabilities to use their computer or portable wireless device to access the telephone network, it will accommodate a larger segment of the STS user population, especially those who may have limited dexterity or have limited vision. For example, as described above, individuals

with limited dexterity only need to do one simple task, which is the click of a button which will instantaneously connect the relay user to a CA. For those with limited vision, the use of a computer will allow for option of enlarging of what the relay user would see on the screen. The use of computers and the Internet will allow for a greater variety of features and accommodations to fit each STS user's particular needs according to their limitations.

Competition: The ability for various providers to compete for IP STS consumers nationwide will benefit all STS users by promoting innovation and allowing said consumers to choose providers based on the quality of their IP STS offerings.

Internet Protocol Based Speech to Speech Relay Service Falls Within the Scope of Title IV of the ADA

1. IP-STS Falls Within the Definition of TRS under 47 C.F.R. § 64.601(7)

Telecommunications Relay Service is defined in § 225 as:

‘[t]elephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.’¹

Legislative history clarifies that although the regulations apply only to the then-current/existing forms of relay services, the provisions was ‘not intended to discourage innovation regarding telecommunication services to individuals with hearing and speech impairments.’² Furthermore, Congress requested that the Commission not ‘discourage or impair the development of improved technology.’³ Congress had the foresight to recognize that technological improvements can be very beneficial. The Commission’s recognitions of

1 47 U.S.C. § 225(a)(3)

2 S. Rep. No. 116, 101st Cong., 1st Sess. 78 (1989).

3 47 U.S.C. §255(d)(2)

Video Relay Service, IP-Relay, IP Captel as relay services eligible for reimbursement from the TRS Fund Administrator serve as examples of this policy.

Furthermore, in the Improved Services Order, the Commission clarified that the ‘ever-increasing availability of new services . . . continually challenge [the premises of relay service offerings] to determine what specific services and performance standards are necessary’⁴ to ensure functional equivalency is achieved. This proposed relay offering represents a step in this direction, allowing the FCC to meet its obligation to encourage the use of new technologies to achieve greater functionally equivalent telephone service.

Authority for an Expeditious Ruling Exists

It is Hawk Relay’s position that a full-fledged rulemaking proceeding is not needed for the Commission to determine IP STS provision’s eligibility to receive compensation from the Interstate TRS Fund. Previous history where the Commission approved IP Relay and IP Captel shows that the Commission concluded that Internet relay fell within the scope of relay services covered by the ADA. This shows there is sufficient authority to issue an expedited ruling. As IP STS is simply an extension of traditional STS, with the mere difference being the delivery platform, this petition will not raise complex issues requiring resolution through a rulemaking process.

Clarification Regarding Minimum Mandatory Standards That are Applicable to IP STS

To ensure the effectiveness of IP STS in its implementation and provision allowing individuals with speech disabilities to benefit, Hawk Relay seeks clarification of the extent to which certain minimum standards are applicable to the service. Hawk Relay recognizes that the following requirements are waived for Speech to Speech relay services and should

⁴ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking*, CC Dkt. No. 98-67, FCC 00-56 at para. 4 (March 6, 2000) (‘Improved Services Order’).

also be applied to the provision of IP STS because they do not inherently apply to STS in general: 1.) competency of the CA in the interpretation of typewritten ASL; 2.) typing speed of a minimum of 60 words per minute; 3.) transmission of TTY and voice callers in real time; 4.) text to voice requirement; 5.) call release; 6.) handling of calls in ASCII and Baudot formats.

In addition to the permanent waivers above for STS relay service, Hawk Relay would like to request clarification on the conditional waivers generally applied to internet-based relay services including: 1.) emergency call handling; 2.) equal access to interexchange carriers; 3.) 900 pay-per-call telephone services, 4.) VCO to TTY; 5.) HCO to TTY. Hawk Relay understands that the waivers are set to expire on January 1, 2008. Hawk Relay believes that the delivery platform to be used for IP-STS will allow for the technically feasible implementation of the requirements enumerated above but in light of the timing of this petition requests clarification on whether the waivers will apply to IP STS given that they are set to expire for IP-based services in general in less than a month.

Conclusion

As IP STS has the potential of offering considerable benefits to individuals with speech disabilities, Hawk Relay looks forward to expedited approval on this petition requesting clarification that Internet-Protocol Based Speech to Speech Relay Service is a service eligible for compensation from the Interstate TRS Fund. Such a decision would be consistent with the Improved Services Order in additions to the orders approving Video Relay Service, IP-Relay, and IP Captel as services eligible for compensation from the Interstate TRS Fund. Finally, Hawk Relay looks forward to an expedited ruling that outlines the applicable and waived minimum requirements for the provision of IP STS.